

MINUTES
UTAH
MARRIAGE AND FAMILY THERAPY
LICENSING BOARD
MEETING

June 2, 2006

Room 4B – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:10 A.M.

ADJOURNED: 4:07 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

James M. Harper, PhD, Chairperson
Richard Nielsen, PhD
Karen Feinauer
Lanae Valentine, PhD
Jean N. Soderquist, PhD

Guests:

Judge Steve Eklund, Administrative Law Judge
Craig Jackson, Division Director
Ray Walker, Division Regulation and Compliance
Officer
Chad Shubin, MFT Student
Noemi Gergely, MFT Student
Megan Oka, MFT Student
Ben Weinheimer, MFT Student

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Lanae Valentine, PhD, as a
Board Member

Ms. Taxin conducted the swearing in of Dr. Valentine.
Board members welcomed Dr. Valentine.

Read and approve the March 3, 2006 Minutes.

Dr. Nielsen made a motion to approve the minutes as
read. Dr. Soderquist seconded the motion. **The
Board vote was unanimous.**

Read and approve the February 28, 2006
Mental Health Therapy and Substance Abuse
Counselor Meeting Minutes

Dr. Soderquist made a motion to approve the minutes
as read. Dr. Valentine seconded the motion. **The
Board vote was unanimous.**

RULES HEARING:

9:15 A.M. TO 10:15 A.M.

Judge Steve Eklund, Administrative Law
Judge

Judge Eklund conducted the rules hearing.

Judge Eklund introduced Division Staff and Board Members and explained the process.

The Attendance Roster was passed around.

Judge Eklund taped the rules hearing. A copy of the hearing may be obtained from Judge Eklund.

10:15 A.M. – There were no comments. Judge Eklund concluded the hearing.

APPOINTMENTS:

10:30 A.M.

Suzanne Dastrup, Telephonic Probationary
Interview

Ms. Taxin made the phone call to Ms. Dastrup.

Ms. Taxin informed Ms. Dastrup that the meeting was being taped and she would be on a speaker phone with Board members, Division Staff and visiting students from BYU.

Dr. Harper conducted the interview.

Dr. Harper asked Ms. Dastrup to summarize her understanding of the highlights of the Stipulation and Order.

Ms. Dastrup responded that her understanding is that the probation is for a 5 year period, she was required to obtain a psychological evaluation from Michael S. Buxton, PhD, and be supervised by Donald A. Price, PhD, for the duration of the 5 year probation.

Ms. Dastrup stated that after the last meeting she talked with Dr. Price and relayed the Board's request for him to report on the supervision, his observations and other pertinent information.

Dr. Harper stated that the Stipulation and Order requires weekly direct supervision and Dr. Price has documented supervision every 2 weeks. Dr.

Harper requested Ms. Dastrup to please explain why she is not following the Order.

Ms. Dastrup responded that she and Dr. Price met weekly until she met with the Board in March 2006. Ms. Dastrup stated that Dr. Price verbally recommended they meet weekly until the March 2006 Board meeting and then move to every other week. Ms. Dastrup stated that the weekly supervision was very costly and she could not afford it, so she and Dr. Price changed the frequency. Ms. Dastrup stated that in the letter Dr. Price submitted to the Board he agreed to supervise for one year and then would re-evaluate.

Dr. Harper confirmed that the letter from Dr. Price does say he would like to re-evaluate after one year, however, the letter does not say there is no need for supervision after one year. Dr. Harper stated that the recommendation is reviewed by the Board but Ms. Dastrup cannot change recommendations unless the Board agrees and the Board would notify her of any agreed change. Dr. Harper notified Ms. Dastrup that she is out of compliance with her Order by making the change on her own.

Ms. Dastrup responded that she could not afford \$1000 to \$2000 per month to meet with Dr. Buxton and Dr. Price and have them write reports. Ms. Dastrup stated that she informed Dr. Price that he would be required to submit reports and make a recommendation but did not tell him the supervision could move to every 2 weeks.

Ms. Taxin stated that Ms. Dastrup was in compliance in March 2006 and the Board agreed to let her put the therapy with Dr. Buxton on hold at that time. Ms. Taxin stated that the weekly supervision is not negotiable.

Dr. Harper reiterated that recommendations are only recommendations and anything that deviates from the Order must be approved by the Board/Division first.

Ms. Taxin asked how many clients Ms. Dastrup is now treating.

Ms. Dastrup responded that she sees about 30 clients a week. Ms. Dastrup stated that most of the clients are for marriage and family therapy, there are some in individual therapy, there are several adolescents and there is a borderline case that she discusses with Dr. Price every week.

Ms. Taxin asked if Ms. Dastrup and Dr. Price meet weekly for the borderline case or do they meet every 2 weeks as Dr. Price has documented and Ms. Dastrup has stated previously today.

Ms. Dastrup asked what Dr. Price's letter stated.

Ms. Taxin responded Ms. Dastrup should know how often they meet if it is weekly or every 2 weeks. Ms. Taxin again stated that the Stipulation and Order is very clear on the requirements she agreed to follow and any change must be approved by the Board/Division.

Dr. Harper requested further discussion on the caseload and asked Ms. Dastrup where she is seeing her clients.

Ms. Dastrup responded that she sees clients at her home office and at an office in Orem.

Dr. Harper asked Ms. Dastrup to give a break down of days working at the home office and days spent in the Orem office. Dr. Harper asked Ms. Dastrup to explain the parking, the waiting room and the office at her home.

Ms. Dastrup responded that she sees clients at the home office on Monday, Tuesday and Wednesday and on Thursday and Friday she is at the Orem office. Ms. Dastrup explained that clients park in front of her home, the waiting room is a room across the hall from her home office which has a partial wall with music playing. She stated that her office is almost sound proof with a window to the front of the house, book shelves and locked filing cabinets where she stores her case files. Ms. Dastrup stated that one client will leave and then she walks across the hall to retrieve the next client. She stated that clients never see each other due to the wall set up. She stated that she does her own

billing usually twice a month after hours from her home office.

Dr. Soderquist asked Ms. Dastrup how long her session are.

Ms. Dastrup responded that the sessions are 50 minutes in duration.

Dr. Harper asked if she and Dr. Price discuss all the cases or if they only discuss the borderline case and how many clients does she really see.

Ms. Dastrup responded that there are about 70 open cases, she makes her own appointments as she does not have office staff, there are some weekly appointments and some monthly appointments, she keeps regular office hours of a few hours in the mornings and a few hours in the afternoons. Ms. Dastrup stated that she does not work Tuesday or Friday afternoons and no Saturdays or Sundays unless there is a crisis.

Ms. Taxin asked how Ms. Dastrup determines which clients will meet at her home and which will be seen at the Orem office.

Ms. Dastrup responded that she rarely sees a first time client at home and she uses her perception, trust and diagnosis to decide which clients will meet at the home office and which will meet at the Orem office. Ms. Dastrup stated that she is very strict about clients not calling her at home and not allowing the clients to stop by her home without an appointment. Ms. Dastrup stated that she does not believe there are boundary issues for her.

Dr. Harper commented that at the hearing it was brought out that she was quite casual in her dealings with her clients and that is why he has asked some of his questions.

Ms. Dastrup responded that the casual documentation was written after therapy was terminated.

Dr. Harper asked if Ms. Dastrup if she now recognizes that any relationship with a former

client is a problem.

Ms. Dastrup responded that she could now see how contact could be a problem and she has learned that she cannot love or trust anyone now. Ms. Dastrup stated that she has accepted that she has been severely punished for her choices but none of the Board members were there and do not know what really happened. Ms. Dastrup asked the Board to look at their caseloads and to notice the shades of gray.

Dr. Harper asked if Dr. Price is aware of all Ms. Dastrup's cases and if he has a feeling for all the clients she is seeing.

Ms. Dastrup responded that Dr. Price is aware of her caseload. She stated that there are some general discussions as they have not addressed all 72 cases.

Dr. Harper responded that, given the large caseload, it would be important to meet weekly.

Ms. Dastrup again stated that she could not afford to meet weekly as Dr. Price is charging her \$105 per 50 minute session to meet. She reminded the Board and Ms. Taxin that she is required by the Stipulation and Order to have therapy by Dr. Buxton and to be supervised by Dr. Price which, she stated was economically impossible for her.

Dr. Harper responded that weekly session charges would be between \$400 and \$500 per month and with 72 cases she is saying she has on her caeload, Dr. Harper questioned her not being able to afford the fees.

Ms. Dastrup commented that it would be tight for her as she is also helping her children and immediate family members financially. She reminded the Board and Division that she is required to see Dr. Buxton for therapy and Dr. Price for supervision.

Ms. Taxin stated that Ms. Dastrup made a commitment when she signed the Order that she would pay all costs. Ms. Taxin suggested she ask for a discount or locate another supervisor that might be willing to supervise for less monetary

compensation. Ms. Taxin also reminded Ms. Dastrup that the Board was not enforcing the requirement of therapy from Dr. Buxton at this point in time, therefore, she has not incurred any financial costs to date from therapy.

Dr. Harper stated that the Board recognizes that there is trauma connected with probation but Ms. Dastrup should not be casual in meeting the requirements of the Order.

Dr. Harper stated that, at the last meeting, the Board suggested Ms. Dastrup change supervisors and she responded that she would be very unhappy if she had to make a change.

Ms. Taxin responded that the supervisor's report should support the information Ms. Dastrup is reporting to the Board at the meetings. She stated that the supervisor should provide the written report on visits to the home office and the Orem office and note where files are kept and they are properly maintained by reviewing case notes. Ms. Taxin stated that Ms. Dastrup has made some unprofessional decisions and should now be adapting some areas of her practice to protect herself and her clients.

Dr. Harper commented that Ms. Dastrup should discuss the Stipulation and Order with her supervisor as supervision should be ongoing and regular. He stated that she is carrying a heavy caseload but must follow the guidelines of the Order. Dr. Harper stated that if the supervision is not working, Ms. Dastrup might contact one of the new BYU MFT faculty regarding supervision or Ms. Dastrup may submit some names for consideration.

Ms. Dastrup responded that she was doing ok with Dr. Price but he was of the opinion that the supervision was imposed on him as it was included in the Stipulation and Order.

Dr. Harper responded that the Board was trying to allow Ms. Dastrup to empower herself by considering names she might submit for review.

Ms Taxin stated that, prior to concluding the interview, she wanted to clarify that Ms. Dastrup understands what is expected. Ms. Taxin listed the following expectations:

- 1. Ms. Dastrup must continue to meet with Dr. Price.**
- 2. Supervision meetings must be weekly.**
- 3. The reports from Dr. Price must reflect what areas he and Ms. Dastrup are working on and how she is progressing.**

Ms. Taxin stated that a report form will be sent to Dr. Price for his convenience. She stated that it might be advantageous for Dr. Price to meet with the Board at the September 15, 2006 Board meeting for continuity of supervision along with Division requirements.

Ms. Dastrup responded that she understands the expectations. She stated that she might decide to retire her license and asked if she would be required to be licensed if she is a Family Life Coach and makes it clear that she is not licensed in Marriage and Family therapy.

Ms. Taxin responded that life coaches are not regulated in Utah. She stated that probation is not to punish but it is to give the probationer the opportunity to understand what they did wrong, take responsibility and to work on correcting the issues. Ms. Taxin recommended Ms. Dastrup try to complete the probation and continue working in the MFT profession.

Ms. Dastrup stated that her probation is a punishment and it is a lifetime time frame with too many requirements.

Ms. Taxin stated that this is only Ms. Dastrup's second meeting and in the future she may request early termination early if she has a consistent record of being in compliance with the Stipulation and Order. Ms. Taxin stated that she can request the monthly reports be submitted at longer intervals if the reports document she is doing well and following accepted standards of practice.

Ms. Taxin recommended Ms. Dastrup review the Stipulation and Order and be familiar with the requirements.

Dr. Harper commented that it would be a tragedy for Ms. Dastrup to surrender her license at this stage of the probation.

An appointment was made for Ms. Dastrup to meet again September 27, 2006.

Mr. Geary, AAG, asked if Ms. Dastrup's Stipulation and Order specifies she be under Don Price as the supervisor.

Ms. Taxin responded that the Order is specific for Dr. Price to supervise.

Mr. Geary stated that if the Board would like to make a change to the original Order and Ms. Dastrup would agree to the changes, an amendment could be written up for her to sign. Mr. Geary stated that if Ms. Dastrup would not agree to an amendment or if she is out of compliance by not adhering to the current Order the Board could request another hearing to amend the original Order.

11:00 A.M.

Lori Kucharski, Application and Education review for MFT Intern License

Ms. Taxin explained that Ms. Kucharski contacted the Board Secretary to cancel her in person interview due to the driving distance and requested for the Board to review the application without her being present.

Ms. Taxin stated that Jan Gardner, Licensing Specialist, reviewed the Aspen Ranch website and noted that Ms. Kucharski is listed as a licensed therapist. Ms. Gardner contacted Ms. Kucharski to have the website corrected.

Ms. Taxin requested the Board to review the application and the education to determine if Ms. Kucharski is qualified to be licensed as a Marriage and Family Therapy Intern.

Dr. Harper noted Ms. Kucharski's degree is a

Master of Arts Counseling. Dr. Harper reviewed the courses and course descriptions and determined Ms. Kucharski is deficient in the following areas:

- 1. Deficient in the area of Marriage and Family Therapy Ethics.**
- 2. Deficient 6 semester hours or 9 quarter hours in the area of Theoretical Foundations of Marital and Family Therapy.**
- 3. Deficient 9 semester hours or 12 quarter hours in the area of Assessment and Treatment in Marriage and Family therapy.**
- 4. Deficient in the area of the Practicum.**

Dr. Harper recommended Ms. Kucharski have her transcripts reviewed by a local MFT accredited educational institution or if she can provide additional information that she has completed the noted deficiencies, then Ms. Taxin will review.

Dr. Harper stated that if Ms. Kucharski has completed an appropriate practicum, Ms. Taxin may review and approve the documentation.

Board members concurred.

11:30 A.M.

David Gardner, Probationary Interview

Dr. Gardner met for his probationary interview.

Dr. Harper notified Dr. Gardner that the meeting would be going to a closed session for the discussion.

CLOSURE OF MEETING:

11:55 A.M. - Dr. Nielsen made a motion to close the meeting to discuss Dr. Gardner's character, professional competence, or physical or mental health (52-4-205(1)(a)).

Ms. Feinhuer seconded the motion.

The Board vote was unanimous.

REOPEN MEETING

Dr. Soderquist made a motion to reopen the meeting. Dr. Valentine seconded the motion. **The Board vote**

was unanimous.

The Board recommended Dr. Gardner obtain employment and a supervisor.

Ms. Taxin asked Dr. Gardner to contact her with the employment and supervisor information.

The Board recommended Dr. Gardner meet again September 27, 2006 if the employment and supervisor are in place.

LUNCH BREAK

1:00 P.M.

Education Discussion and Law Review
Dave Geary, AAG, will be present for this discussion

Ms. Taxin explained that the Division is receiving applications with transcripts that do not meet the specific requirements of the Law and Rules of a Masters Degree in Marriage and Family Therapy or stating a concentration in Marriage and Family Therapy.

Dr. Harper responded that Dave Geary, AAG, had given the Board the directive to review the coursework and course descriptions to determine if the education would be equivalent.

Mr. Geary confirmed Dr. Harper's response and clarified that the Division has determined if the coursework is close enough to the requirement a denial could not be upheld. Mr. Geary stated that education that is accredited by COAMFTE or CHEA and meets the educational requirement should be approved.

Dr. Harper stated that the MFT, PhD program at BYU requires an individual to complete all Masters level MFT program deficiencies prior to acceptance to the PhD program.

Ms. Taxin stated that the rules need to be reviewed and possibly be more specific as to what courses will be accepted as equivalent. Ms. Taxin referred to the Professional Counselors Rules as an example of specific courses to assist Division Staff with equivalent education.

Ms. Taxin asked if an AAMFT approved supervisor is

required to be licensed.

Dr. Soderquist responded that AAMFT does not require an approved supervisor to be licensed. She stated that the AAMFT supervisor must only have completed the requirements for AAMFT supervisor approval.

Ms. Taxin voiced concern that in Utah the AAMFT supervisor is required to be licensed and that it is confusing to applicants that AAMFT does not require licensure of the supervisor.

Ms. Taxin reviewed the proposed rule from this morning's hearing regarding Qualifications to be a Marriage and Family Therapist Training Supervisor and Mental health Therapist Training Supervisor.

Dr. Soderquist made a motion to change R156-60b-302d(2) to include the language AAMFT.

The motion died for lack of a second.

Dr. Soderquist made a motion to change R156-60b-302d(1) to read be currently approved by AAMFT as a marriage and family therapist supervisor or an approved supervisor candidate and be licensed in good standing for a minimum of two years, or (2)...

Dr. Nielsen seconded the motion. The Board vote was unanimous.

2:00 P.M.

Richard Passoth, Clarification of Licensing Requirements

Mr. Passoth met for his appointment with the Board.

Board members and Division Staff were introduced.

Ms. Taxin explained that Mr. Passoth submitted information for endorsement from Colorado but it appears that he does not meet the endorsement requirements of 4000 hours of mental health therapy practice in the last 3 years immediately preceding submitting his application, nor does he meet the requirements of a new applicant.

Dr. Harper requested Mr. Passoth to explain his understanding of the requirements and how he

meets those requirements.

Mr. Passoth explained that he practiced approximately 22 years in private practice. He stated that the economy in Denver has not been doing well and he has moved to Utah to work at AETNA. Mr. Passoth stated that he does conduct preliminary professional assessments to assist the AETNA client in obtaining services.

Mr. Geary stated that the MFT Law and Rules are specific on the number of hours required in the 3 years immediately preceding applying for licensure and the Board should be careful about making exceptions but the Board should give a recommendation. Mr. Geary stated that the reason for the requirement is to establish competent practice from one State to another.

Ms. Taxin read the Law, 58-60-115, and asked the Board for a recommendation.

Dr. Valentine made a motion to accept Mr. Passoth's experience as equivalent to the standards required for Utah licensure by endorsement and will be accepted for licensure. Dr. Soderquist seconded the motion. The Board vote was unanimous.

Ms. Taxin clarified to Mr. Passoth that he must submit a complete application and application fee with documentation of meeting the endorsement requirements.

Ms. Taxin asked for clarification on an individual in a similar situation of possibly not meeting the endorsement requirements as she is on maternity or sick leave from her position as an MFT therapist.

Mr. Geary, AAG, responded that the Federal Law does not allow a penalty for someone who is on leave for family reasons.

The Board requested further discussion of this issue at the September 27, 2006 Board meeting.

NEW APPLICATIONS:

Aaron Shaw, MFT Intern

The Board reviewed Mr. Shaw's application for MFT Intern licensing.

The Board noted that Mr. Shaw's degree is not in MFT. The Board also noted that Mr. Shaw is in the BYU Marriage and Family Therapy PhD program and was required to complete the deficient MFT Masters courses prior to being accepted into the PhD program.

The Board recommended licensure based on completion of the BYU MFT Masters courses prior to acceptance into the MFT PhD program in addition to his Masters degree coursework.

Benjamin Erwin, MFT Intern

The Board reviewed Mr. Erwin's application for MFT Intern licensing.

The Board noted that Mr. Erwin has a Masters degree in Rehabilitation and Mental Health Counseling. The Board also noted that Mr. Erwin is in the BYU Marriage and Family Therapy PhD program and was required to complete the deficient MFT Masters courses prior to being accepted into the PhD program.

The Board recommended licensure based on completion of the BYU MFT Masters courses prior to acceptance into the MFT PhD program in addition to his Masters degree coursework.

DISCUSSION ITEMS:

California Applicants Short Internship or Practicum and Division Examples of other Applications Requiring Exceptions to the Law and Rule and Discussion Around Future Applications

Ms. Taxin explained that several applications have been received from California programs that do not have the required internship hours. Ms. Taxin stated that once a student has graduated they are not allowed to matriculate into a program to complete the internship hours required for Utah licensing. Ms. Taxin stated that she has issued Extern licenses and required the applicants to work a specific number of hours to count for the internship requirement.

Board members concurred with Ms. Taxin's adaptation requirement to complete the internship.

People Short Hours for Endorsement

Ms. Taxin asked for guidance regarding applications short of hours for the endorsement requirements.

Ms. Taxin recommended the Board review this section of the Law and be prepared for discussion at the September 27, 2006 Board meeting.

Law and Rule Examination

Ms. Taxin reported that the Division is taking away the Laws and Rules examinations from the testing agency due to several issues.

Ms. Taxin reported that the Division has created a statement to be included in all applications for the applicants to sign. Ms. Taxin reported that the statement reads:

Compliance with Utah Laws and Rules:
I understand that it is my continuing responsibility to read, understand and apply the requirements contained in all statutes and rules pertaining to the occupation or profession for which I am applying, and that failure to do so may result in civil, administrative, or criminal sanctions.

Ms. Taxin explained that the applicant must sign and date that they have read the statement which holds them responsible for knowing the Laws and Rules.

The Board thanked Ms. Taxin for the information.

Approved Supervisors

Ms. Taxin explained that there will be some confusion after the new Rules are in place. Ms. Taxin asked the Board if the cut off date of January 31, 2007 would be acceptable for the current supervision and then all applications are expected to meet the new requirement as outlined in the Rules thereafter.

Board members agreed to the enforcement date of January 31, 2007.

Dr. Harper volunteered to contact the Utah MFT Association to include information in their newsletter.

Ms. Taxin stated that Thorana Nelson has volunteered to assist with disseminating information regarding supervision and AAMFT supervisors.

FYI

Review Surrender of MFT and Professional Counselor License for David Nicholas Perucca.

Ms. Taxin read the facts of the case to the Board.

Ms. Taxin stated that someone called asking for information on how to contact Mr. Perucca as he was her therapist. Ms. Taxin stated that information was not given out.

Board members recommended Ms. Taxin inform an investigator as to the call from Mr. Perucca's patient.

CORRESPONDENCE:

Troy Faddis request to supervise additional students

Dr. Harper read Mr. Faddis request to supervise an additional person.

Dr. Soderquist made a motion to approve Mr. Faddis request to supervise 6 students for the summer period as long as the caseload remains under 40 clients and the supervision follows the guidelines in the request. Dr. Nielsen seconded the motion. The Board vote was unanimous.

Book News, March 2006

The Board reviewed the Book News with no action taken.

NEXT MEETING SCHEDULED FOR:

September 27, 2006

MEETING ADJOURNED AT:

4:07 P.M.

Date Approved

Chairperson, Utah Marriage and Family Therapy
Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing